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**U.S. Department of Justice**

Criminal Division

Fraud Section

Washington, D C 20530

February 9, 2018

**BY ECF**

The Honorable Colleen McMahon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

USDC SDNY  
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Re: *United States v. Connolly, et al.*, S1 16 CR 370 (CM)

Dear Chief Judge McMahon:

**MEMO ENDORSED**

The government today learned that FCA investigator Michael Prange's father passed away unexpectedly on or about February 8. As a result of this tragedy, Mr. Prange will be unable to travel to the United States in time for the *Kastigar* hearing currently scheduled for February 28.

The government therefore respectfully requests a postponement of the hearing. The government is not able at present to ascertain when Mr. Prange will be available, but will report out at the appropriate time and will let the Court know as soon as possible about Mr. Prange's availability. The FCA informs the government that it remains committed to making Mr. Prange available to testify at a future agreeable date.

Accordingly, the government respectfully requests that the Court hold the hearing in abeyance pending further communication from the government. The government has consulted with defense counsel, who have informed the government that they do not object to a reasonable accommodation. Defense counsel further states, "If the hearing is adjourned, Mr. Black requests a new date convenient for the Court and all concerned be set as soon as possible."

Respectfully submitted,

/s/ D. Brittain Shaw  
D. BRITTAIN SHAW  
CHRISTOPHER D. JACKSON  
JESSEE ALEXANDER-HOEPPNER  
Trial Attorneys  
Criminal Division, Fraud Section  
U.S. Department of Justice

*Colleen McMahon*

2/12/2018  
I am available March 5, 6, 7, 8, 20, 21, 22, 23, 26, 27, 28. That is plenty of dates for the government and Mr. Prange to choose from. If he does not show up to testify by March 28, the government may well find that I must have inference against it.

2/12/2018, 10:03 AM